

RECEIVED
CENTRAL FAX CENTER

OCT 02 2003

OFFICIAL

SYRRX

FACSIMILE TRANSMITTAL SHEET

TO: COMMISSIONER FOR PATENTS
ATTN: EXAMINER ROBERT
KUNEMUND**From: DAVID WEITZ, REG. NO. 38,362****FAX NUMBER: (703) 872-9306****DATE: OCTOBER 1, 2003****COMPANY: U.S. PATENT AND TRADEMARK** OFFICE **TOTAL NO. OF PAGES INCLUDING COVER: 3****PHONE NUMBER:****SENDER'S PHONE NUMBER:**

(858) 731-3508**RE: U.S. APPLICATION SERIAL NO.**
10/060,922-TERMINAL DISCLAIMER**SENDER'S FAX NUMBER:****(858) 550-0992**

 URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

CONFIDENTIALITY NOTICE

THIS TELECOPY TRANSMISSION AND THE DOCUMENTS ACCOMPANYING IT
CONTAIN INFORMATION WHICH IS CONFIDENTIAL. THE INFORMATION IS
INTENDED FOR THE USE OF THE PERSON OR PERSONS NAMED AS ADDRESSEES
ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE BE AWARE THAT
ANY DISCLOSURE, REPRODUCTION, DISTRIBUTION OR OTHER USE OF THE
INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN
ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY, AND WE WILL
ARRANGE FOR THE RETRIEVAL OF THE FOLLOWING DOCUMENTS AT OUR COST.
THANK YOU.

10410 SCIENCE CENTER DRIVE • SAN DIEGO, CA 92121
PHONE: (858) 731-3508 • FAX: (858) 550-0992

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|---|------------------------|--------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/060,922 |
| | | Filing Date | January 29, 2002 |
| | | First Named Inventor | David, Peter |
| | | Art Unit | 1765 |
| | | Examiner Name | Robert M. Kunemund |
| Total Number of Pages in This Submission | 2 | Attorney Docket Number | SYRTECH-5002-C9 |

| | | | | |
|--|---|--|---------|---|
| ENCLOSURES <i>(check all that apply)</i> | | | | |
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): | | |
| <table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is authorized to charge Deposit Account 50-2256 the required fee of \$55.00 for filing the attached Terminal Disclaimer. The Commissioner is also authorized to charge any additional fees that may be required by the filing of this paper.</td> </tr> </table> | | | Remarks | The Commissioner is authorized to charge Deposit Account 50-2256 the required fee of \$55.00 for filing the attached Terminal Disclaimer. The Commissioner is also authorized to charge any additional fees that may be required by the filing of this paper. |
| Remarks | The Commissioner is authorized to charge Deposit Account 50-2256 the required fee of \$55.00 for filing the attached Terminal Disclaimer. The Commissioner is also authorized to charge any additional fees that may be required by the filing of this paper. | | | |

| | |
|---|--|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
| Firm or Individual | David J. Weitz, Reg. No. 38,362 Syrnx, Inc. |
| Signature | <i>David J. Weitz</i> OFFICIAL |
| Date | October 1, 2003 |

RECEIVED
CENTRAL FAX CENTER
OCT 02 2003

| | |
|---|----------------------|
| CERTIFICATE OF FACSIMILE TRANSMISSION | |
| I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being sent to the Commissioner for Patents via facsimile transmission to (703) 872-9306 on the date listed below: | |
| October 1, 2003 | |
| Type or printed | Linda Johnson |
| Signature | <i>Linda Johnson</i> |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

In you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------|---|---|------------------------------|
| Inventor(s): | Peter R. David |) | <u>PATENT APPLICATION</u> |
| Serial No.: | 10/060,922 |) | Group: 1765 |
| Filed: | January 29, 2002 |) | Examiner: Robert M. Kunemund |
| Title: | MICROVOLUME DEVICE EMPLOYING FLUID MOVEMENT BY CENTRIFUGAL FORCE | |) |

TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING REJECTION
OVER PENDING SECOND APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Syrrx, Inc., the owner of 100% interest in the following pending Application Nos. 09/877,405, filed on June 8, 2001, and 10/060,872, 10/060,955, 10/060,861 and 10/060,853, filed on January 29, 2002 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on any such application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on any such other application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submission on behalf of any organization (e.g., corporation, partnership, university, government agent, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Pursuant to 37 C.F.R. § 3.73(b), the undersigned ASSIGNEE hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE, SYRRX, INC.

2. The undersigned is an attorney of record.

Charge Deposit Account 50-2256 the sum of \$55.00 for a small entity for the terminal disclaimer fee.

Respectfully submitted,
SYRRX, INC.

David J. Weitz
By: *David J. Weitz*
David J. Weitz, Reg. No. 38,362
General Counsel and V.P. of Intellectual Property

Date: October 1, 2003

Customer No. 32793
10410 Science Center Drive
San Diego, CA 92121
Tel: (858) 622-8528
Fax: (858) 550-0992

RECEIVED
CENTRAL FILE CENTER
OCT 1 2003